



KRONENBERGER ROSENFELD, LLP

Karl S. Kronenberger (Bar No. 226112)
Jeffrey M. Rosenfeld (Bar No. 222187)
150 Post Street, Suite 520
San Francisco, CA 94108
Telephone: (415) 955-1155
Facsimile: (415) 955-1158
karl@KRInternetLaw.com
jeff@KRInternetLaw.com

ARIAS OZZELLO & GIGNAC LLP

Mike Arias (CA Bar No. 115385)
Alfredo Torrijos (CA Bar No. 222458)
6701 Center Drive West, 14th Floor
Los Angeles, California 90045-1558
Telephone: (310) 670-1600
Facsimile: (310) 670-1231
marias@aogllp.com
atorrijos@aogllp.com

Attorneys for Plaintiffs
AMBER KRISTI MARSH AND STACIE EVANS
and the Putative Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMBER KRISTI MARSH and STACIE EVANS, individually and on behalf of a class of similarly situated persons,

Plaintiffs,

v.

ZAAZOOM SOLUTIONS, LLC, et al.,

Defendants.

CLASS ACTION

Case No. 3:11-cv-05226-WHO

**PLAINTIFFS' NOTICE OF
ADMINISTRATIVE MOTION AND
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT THEREOF;
DECLARATION IN SUPPORT
THEREOF; [PROPOSED] ORDER**

Date: In Chambers
Time: In Chambers
Ctrm: 2, 17th Floor
Judge: The Hon. William H. Orrick

1 TO THE COURT, THE PARTIES, AND ALL COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Northern District of California Civil Local
3 Rule 79-5 ("Local Rule 79-5"), Plaintiffs hereby move the Court for an order sealing:

- 4 • Exhibits 12-14, 16-21, 23-35 to the Declaration of Jeffrey M. Rosenfeld in Support
5 of Plaintiff's Motion for Class Certification;
6 • Exhibit A to the Declaration of Amber Kristi Marsh in Support of Plaintiff's Motion
7 for Class Certification; and
8 • Exhibits A-D to the Declaration of Stacie Evans in Support of Plaintiff's Motion for
9 Class Certification.

10 This motion is based on this notice of motion and motion, the memorandum of
11 points and authorities set forth below, the declaration of Jeffrey M. Rosenfeld set forth
12 below, the proposed order submitted herewith, the record in this case, and any other
13 evidence and argument that may be adduced at hearing.

14
15 Respectfully Submitted,

16 DATED: December 27, 2013

KRONENBERGER ROSENFELD, LLP

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18 By: s/ Jeffrey M. Rosenfeld
19 Jeffrey M. Rosenfeld

20 Attorneys for Plaintiffs
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MEMORANDUM OF POINTS AND AUTHORITIES

A district court has the inherent power to file documents under seal. *See United States v. Mann*, 829 F.2d 849, 853 (9th Cir. 1987). In considering whether to grant a motion to file under seal, the standard that applies to private materials unearthed during discovery is whether good cause exists to protect the information from being disclosed to the public by balancing the needs for discovery against the need for confidentiality. *See Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010).

A. Documents Designated as Confidential by Defendants

Local Rule 79-5 sets forth the procedures for a motion to file documents under seal. In certain cases, the submitting party seeks to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order. In that situation, Local Rule 79-5(e) requires the submitting party to identify the document containing the designated confidential material and to identify the party that designated the material as confidential. Within four days of the filing of such a motion to file documents under seal, the designating party must file a declaration as required by Local Civil Rule 79-5(e)(1)(A) establishing that all of the designated material is sealable.

Pursuant to Rule 79-5(e), Plaintiffs seek to file the following documents under seal, which have been designated as confidential by Defendant Jack Henry & Associates, Inc. ("Jack Henry") and First National Bank of Central Texas ("FNBCT"):

- Exhibits 16-19, 21, 23-31 to the Declaration of Jeffrey M. Rosenfeld in Support of Plaintiff's Motion for Class Certification ("Rosenfeld Declaration").

B. Documents Containing Personal Information About Plaintiffs and Third Parties

In the Court's publication entitled "Important Privacy Protections Under the Federal Rules," the Court notes that "certain personal identifying information should be omitted from or should be removed from documents submitted to the Court for filing." Courts in the Ninth Circuit have filed under seal documents that contain parties' or third-parties' personal information such as social security numbers, dates of birth, and financial account numbers. *See, e.g., Scott v. Geithner*, No. C-10-5457 EMC, 2011 WL 1225905



*3 (N.D. Cal. Mar. 31, 2011); *Coleman v. Circus Circus Casinos, Inc.*, 2:04 CV 00747 PMP GWF, 2006 WL 2591044 (D. Nev. Sept. 6, 2006) ("The Court further advises the parties that in the future, documents containing personal information such as social security numbers should be filed under seal.") Pursuant to Rule 79-5(e), Plaintiffs seek to file the following documents under seal because they contain the personal information about Plaintiffs and third parties:

- Exhibits 12-14, 20, 32-35 to the Rosenfeld Declaration.
- Exhibit A to the Declaration of Amber Kristi Marsh in Support of Plaintiff's Motion for Class Certification; and
- Exhibits A-D to the Declaration of Stacie Evans in Support of Plaintiff's Motion for Class Certification.

CONCLUSION

Based on the foregoing, Plaintiffs respectfully request that, pursuant to Local Rule 79-5, the Court authorize Plaintiffs to file the above-referenced documents under seal.

Respectfully submitted,

DATED: December 27, 2013

KRONENBERGER ROSENFELD, LLP

By: s/ Jeffrey M. Rosenfeld
Jeffrey M. Rosenfeld

Attorneys for Plaintiffs

